

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IVELISSE G. RODRIGUEZ and )  
WILFREDO RODRIGUEZ, )  
individually and on behalf of the classes )  
defined herein, )

Plaintiffs, )

v. )

CAPITAL ONE HOME LOANS, LLC; )  
HSBC MORTGAGE SERVICES, INC; )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS; and DOES )  
1-5, )

Defendants. )

Case No. 08 C 1723

Honorable David H. Coar

**AGREED JOINT MOTION FOR AN EXTENSION OF TIME FOR DEFENDANTS TO  
FILE THEIR RESPONSIVE PLEADING TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants Capital One Home Loans, LLC (“Capital One”), HSBC Mortgage Services, Inc. (“HSBC”), and Mortgage Electronic Registration Systems (“MERS”) (collectively “Defendants”) by and through their respective attorneys, jointly move this Court for an extension of time to file their responsive pleading to the Amended Complaint filed by Plaintiffs, Ivelisse G. Rodriguez and Wilfredo Rodriguez (“Plaintiffs” and together with Defendants, the “Parties”). In support of their motion, the Parties state as follows:

1. On March 25, 2008, Plaintiffs filed their Complaint against, *inter alia*, Capital One.

2. This Court granted Defendant Capital One Home Loans up to and including May 14, 2008 to file its responsive pleading to the Complaint. The Court granted Defendants HSBC up to and including May 20, 2008 to file its responsive pleading to the Complaint. MERS has filed their appearance simultaneously with this motion.

3. On May 12, 2008, Plaintiffs filed their First Amended Complaint, which removed certain claims contained in the original Complaint and added additional facts and two new claims.

4. Defendants' responsive pleadings are due on May 27, 2008.

5. The Parties have reached a settlement agreement and seek an extension of time to prepare the corresponding settlement documents.

6. Therefore, Defendants request that this Honorable Court grant them an additional twenty one (21) days, up to and including June 17, 2008 to respond to Plaintiffs' Amended Complaint.

7. Granting this Motion for additional time to respond to Plaintiffs' Amended Complaint will not alter or amend this Court's recent scheduling order for Parties to conduct their Rule 16(b) Scheduling Conference and Proposed Scheduling Order pursuant to Rule 16(b).

8. Defendants have conferred with Plaintiffs' counsel and he does not oppose this Motion.

WHEREFORE, Defendants Capital One Home Loans, LLC, HSBC Mortgage Services, Inc., and Mortgage Electronic Registration Systems respectfully request that this Honorable Court grant them an extension of time, up to and including June 17, 2008 to file their responsive pleadings to Plaintiffs' Amended Complaint and grant whatever further relief this Court deems just and appropriate.

DATED: May 20, 2008

Respectfully submitted,

By:

/s/ Daniel P. Bubar  
One Of Their Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on this 20th day of May, 2008, a copy of the foregoing **AGREED JOINT MOTION FOR EXTENSION OF TIME FOR DEFENDANTS TO FILE THEIR RESPONSIVE PLEADING TO PLAINTIFFS' AMENDED COMPLAINT** was filed electronically. Notice of this filing will be sent to the following attorney by operation of the Court's electronic filing system.

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